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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,589	11/13/2003	Michael A. Yandrasits	59391US002	8996

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EXAMINER

MCLENDON, SANZA L

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,589	Applicant(s) YANDRASITS ET AL.	
	Examiner Sanza L. McClendon	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1,2,4-8,11-16,19-22,24-26 and 28 is/are rejected.
 7) ☒ Claim(s) 3,9,10,17,18,23 and 27 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3,5,&6/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on May 26, 2005, the examiner has carefully considered the amendments.

Response to Arguments

2. Applicant's arguments filed May 26, 2005 have been fully considered but they are not persuasive. Applicant traverses the rejection because the polymer and/or method are not disclosed in the combination of references cited. However, it appears after reconsideration that JP 2001-354641 to Okada et al teaches a triazine compound of formula (12) on page 7 [0063], is useful as an intermediate of a low molecular weight electrolyte or a polymer electrolyte. Said compound of formula 12 has fluoro-sulfonyl groups that can be changed into sulfonic groups, or its salts by hydrolysis—[0066-0067]. Additionally it is taught that the compound of formula (1), which is a fluoro-containing nitril-compound that is convertible for the crosslinked polymer containing a fluoro-sulfonyl groups, wherein the fluoro-sulfonyl groups can be converted to sulfonic acid groups by hydrolysis. In paragraph [0068], Okada et al teaches the compound of formula (12) can be used as lithium salt mold, it can be used as an electrolyte for lithium rechargeable batteries and can be suitable used with an acid by (-SO₃H) as a film of a solid-state polyelectrolyte mold fuel cell, or a polymer for electrode layers. The examiner deems that one of ordinary skill in the art would have found it obvious to use the compounds of the references to obtained polymer that once crosslinked for triazine crosslinks useable as a polymer electrolyte membrane as suggested by the reference. The motivation would have been the advantages disclosed by the references. Additionally, JP 2002-003466 teaches the same in [0016], [0056], and [0070]-[0072]. Therefore the claims are still rejected.

Additionally, the examiner would like to bring to applicant's attention that the polymers made/described in the reference appear to be the same polymers. The functional limitation asserted to be critical for establishing novelty in claimed subject matter may, in fact, be inherent characteristic of prior art, possesses authority to require applicant to prove that subject matter shown to be in prior art does not possess characteristic relied on.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-8, 11-16, 19-22, 24-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (JP 2001-354641) in view of Watakabe et al (JP 2002-003466) and Asawa et al (JP 54-052690).

The text can be found in the previous office action.

Allowable Subject Matter

1. Claims 3, 9-10, 17-18, 23, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach said pendent groups in a polymer similar or the same as found in claim 1.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 8/5/05
Sanza L. McClendon

Examiner

Art Unit 1711

SMc